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International Court of Justice

H4055 – 0002

Certificate No. D 919 (Place) Nürnberg

(Date) 15 JUL, 1946

CERTIFICATE.

I, Kenneth H.H. Duke, Major, British Army, of the British War Crimes Executive (European Section), hereby certify that the attached document, consisting of eight { ~~typewritten*~~ / ~~photostated~~ / mimeographed / ~~handwritten~~ } pages and entitled Extracts from War Crime Trial - Oslo Case MTB 345 Vol I & II.

dated November 1945,† is ~~the original*~~ / a true copy of/a document which the British Admiralty ‡ delivered to me in my above capacity, in the usual course of official business, as ~~the original*~~ / a true copy ~~of a document found in German archives, records and files captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces.~~

To the best of my knowledge and belief, the original document is held at:- OCC, Nuremberg

B 041723

Kenneth H.H. Duke
Major.

H4055 - 0003

Document No. D/919

Extracts from War Crime Trial - Oslo
Case MTB 345
Vol. 1.

pp 2 & 3 I, LEIF UTNE formerly Lieutenant in the Royal Norwegian Naval Reserve (54th M.T.B. Flotilla) now student of Blindern Studenterhjem, Vestra Aker, Norway, make oath and say as follows; .....

para 3 The operation was known as "Operation VP 23". There is now produced and shown to me and marked "Exhibit L.U.1" a carbon copy of the plan of the operation. This copy bears the signature of L. ANDRESEN as receipt for his copy. Sabotage was not in any way a part of the operation. .....

para 6 All the crew were naval caps and khaki battledress uniforms. They also wore leather or rubber naval boots, which reached up to just below the knee, and long white, thick stockings. The Norwegians had the Norwegian red anchor sewn on their left forearm sleeves and Hull had "Royal Navy" on his battledress. This is how they were dressed when they left. I saw them off myself.

p. 4

"L.U. 1"

MOST SECRET

Ref:- 0/0165

PATROL "G"

OPERATION "V.P. 23"

Ref: Norwegian Charts 24 and 25.
Admiralty Chart 3130

Draft Plan

..... to para 3.

3. Tactics: Four "R" Mines to be laid at the earliest opportunity between RAUTINGKALVEN and BROSMESKJÄRENE.

Observation post to be placed on RAUTINGKALVEN.

Torpedo attack to be carried out on Northbound shipping from the North side of RAUTINGKALVEN and on Southbound shipping from the South side. RAUTINGKALVEN is fairly high.

(8758)

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 533
Filed July 15, 1946

B 041724

H4055 - 0004

pp. 7& 8. I, EINAR FAERO of Busk in the Fylke of Sogn and Fjordane Norway Fisherman make oath and say as follows: .....

para 9 All the crew were in uniform. I remember that they were wearing battle dress. I remember too that the captain was wearing badges. I SWEAR that the contents of this my statement are true.

pp. 11a & 11d I, FRITZ KARL PIETZNER, Oberleutnant, whose former home address was LEIPZIG, but now of Kattenfenne, Westphalen, make oath and say as follows: .....

para 14 Throughout all my dealings with this matter I regarded it as a normal naval engagement with the enemy. Oblt. NIERLE who was killed in Norway in 1944 talked to me at some length about the engagement. At no time did I hear any suggestion that the crew of the British M.T.B. were engaged on sabotage or any similar activity or that they were anything but normal naval personnel engaged upon a normal naval operation.

p. 11i I, ERNST RUDOLPH KNOBLOCH, Oberleutnant (M.A.), whose home address is RIECHENAU, Kreis ZITTAU, SACHSEN, make oath and say as follows: .....

para 4 The prisoners were in uniform. As far as I can remember, all but one wore brown battledresses. One wore naval uniform with badges of rank similar to a British naval Sub-Lieutenant. They looked tired and were rather untidy.

pp. 12 & 15 I, EGON DRASCHER Korvettenkapitan whose home address was Charlotteburg 5 Maikoskistrasse 112 but of present of no fixed address make oath and say as follows:.....

para 4. The particular order to which I refer above was to this effect. All saboteurs who did not fall in battle were to be handed over to the S.D. As it had been established that men belonging to the Royal Norwegian MTB Flotilla were in fact nothing more than sabotuurs they were to be dealt with

B 041425

H4055 - 0005

under the Order. Die Abwehrstelle were to have the opportunity of examining prisoners before they were handed over to the S.D. The Order was quite clear and I am certain that the Royal Norwegian MTB Flotilla was alone mentioned by name. .....

para 14 Then, some time in the early hours of the morning, I reported to the Sea Commander (and possibly to the Admiral as well) roughly in the following terms "The examination is over, from the examination alone it is clear that we are dealing with soldiers."

pp 18. 19 & 20 I, HORST PAUL KURT WALTER FANGER Leutnant zur See of the Reserve, make oath and say as follows: .....

para 3. We had to deal with seven men: one Leutnant (the commander), one first officer, one wireless operator and four seamen. Except for the wireless operator (who was an Englishman) they were all Norwegians. The crew was uniformed, that is, they wore brown battledresses, jumper and rubber boots. The uniforms were distinguished in the ordinary way as Norwegian navy uniforms. The crew had their paybooks with them. .....

para 7. MTB 345 had the task of sinking ships from German convoys. They answered in the negative to questions whether the crew had established communication with people living on the coast, whether they were to carry out sabotage and so on. From a book of observations placed before me (with notes on the German sea and air traffic) nothing of this sort could be derived either.

pp. 23 & 26 I, JOHAN ARNDT formerly Hauptscharführer in die Sicherheitpolizei whose home is in BOCHUM, GERMANY, make oath and say as follows:

.....

para 15. The next afternoon I went to see BLOMBERG and told him that the men should be treated as prisoners of war and not as saboteurs. BLOMBERG told me to say nothing about the case, as

B 041726.

H4055 – 0006

it was secret. MÜLLER had already told me this the previous day.

pp 49, 51 & 52 I, KARL LEIB formerly Obersturmbannführer of the Waffen S.S, whose home address was BRAUNSCHWEIG make oath and say as follows:.....

para 7d "TERBOVEN"

d) An original teleprint message as follows:

"To: Reichcommissar TERBOVEN

From Führer's Headquarters.

The Führer agrees to your proposal, Instructions in accordance with this have been sent to Wehrmacht Headquarters, NORWAY.

KEITEL"

On this message was a note in red pencil in TERBOVEN's handwriting "To be handed to B.D.S. to see and for action. T"

(e) A sheet of paper fastened to the teleprint message specified in sub paragraph (d) above containing notes in TERBOVEN's handwriting. I cannot remember the full contents of these notes. They related to a conversation about the handing of the prisoners by the Wehrmacht to he Sicherheitspolizei. I remember that Generaloberst FALKENHORST's name was mentioned several times in the notes.

pp 66 & 67 I, HANS WILHELM BLOMBERG, formerly Obersturmbannführer and Kommander der Sicherheitspolizei, living at Haynstrasse 32, HAMBURG, having been duly cautioned, make oath and say as follows: .....

para 3. There I was informed by the Admiral that a Norwegian MTB had been captured by German naval forces near BERGEN and that part of the crew had been taken prisoners. As far as I can remember seven men were taken prisoner, some of whom were wounded. The Admiral expressly stated that these men were pirates and not soldiers and that they were to be shot by the Sicherheitspolizei (SIPO) according to an order issued by the High Command of the Wahrmacht and endorsed by the Reichsicherheitshauptant (RSHA). This order

B041727

H4055 - 0007

was not known to me until this moment when it was shown me by the Admiral, who also told me the code word which I do not now remember. ..... to para 8.

8. In the meantime, Admiral von SCHRADER according to what he told me, negotiated several times by telephone with Generaloberst von FALKENHORST as to whether the men were definitely to be treated as pirates or not. From my office I myself had telephone calls with the Sicherheitspolizei at OSLO (as far as I can remember with KELLER) and I also spoke to Obergruppenführer REDIESS. The result of my telephone calls was that the men were pirates and that the execution was to take place at 6 o'clock that morning.

pp 82 & 83 I, ALFRED KREUTZ formerly Untersturmführer in die Sicherheitsdienst of no fixed address having been duly cautioned make oath and say as follows: ..... to para 6.

6. That night Obersturmführer OPPEL came to ULVEN with a message from Obersturmführer BLOMBERG that a definite order had been received for the prisoners to be shot. This was the first I had heard it. I regarded them as prisoners of war. I said therefore that I would go to speak to BLOMBERG about it and tell him that they should not be shot.

pp 85 & 87 I, ERWIN LANG formerly Obersturmführer in die Sichheitsdienst, whose home address was at Stuttgart, having been duly cautioned make oath and say as follows..... to para 14.

14. I returned to BERGEN alone during the afternoon and reported to BLOMBERG at about 4 o'clock. I told him that in the personal view of myself and KREUTZ it would be a great pity if these were not treated as ordinary prisoners of war even though they had not acted correctly. I said that I would have done the same thing myself if I had been taken.

B 041728

H4055 - 0008

Document No. D/919

Extracts from

Proceedings Military Court
Case MTB 345
Vol. II

pp 12-16.

EXAMINATION OF EGON DRASCHER
through the interpreter by
Major Steel.

Judge Advocate. (To interpreter). Tell this witness that he is going to be sworn as a witness by Major Legh. Ask him whether he has any objection to taking the oath. A. No. .....

Q. What was the view of Lichtenfeldt ? A. Lichtenfeldt said that it was already known at the Staff of the Admiral of the West Coast that the prisoners were members of the Royal Norwegian MTB Flotilla. He also said that an order had been issued by Hitler concerning this Flotilla, that the members of the Flotilla should be treated exactly saboteurs. The order said that the members of the Flotilla should be, as far as not killed in action, should be examined and handed over to the SD. The members of this Flotilla who were taken prisoner were first of all examined by the German Navy Intelligence Service and after that handed over to the SD. .....

Q. You had this conversation with Lichtenfeldt. Was Lichtenfeldt anxious to hand the members of the MTB over to the SD or not.?

A. Lichtenfeldt said the prisoners had been handed over to the Sea Commander for further directions. He said he was to obey the Führer' orders, but as he could not take over the responsibility he was to apply for further instructions from the Admiral of the West Coast. .....

Q. Did Fanger make a report to you of what he had discovered from the prisoners ? A. During the night - I cannot recall the time now, it may have been 3, 4, or even 5 - I was either rung up by Fanger or Fanger visited me personally. I cannot remember which now. He reported to me that the interrogation was finished. He said he had not found anything which might justify the conclusion of sabotage. I did not get any information about the instruments used for finding out the location of submarines. I either personally, or through Fanger, reported to the Sea Commander that the interrogation was finished. I reported that was a result of the interrogation it had to be said that these prisoners were soldiers. .....

Q. Did you know Blomberg before this occasion? A. I did not know Blomberg at that time. The next day I went of my own free will, although I was not concerned, to see Blomberg. .....

Q. What was Blomberg's position at that time? A. He was Commander of the SD.

Q. Why did you go to see him? A. It was my wish to persuade him not to take over the prisoners. I told him that in accordance with the interrogation I got the impression that they were not saboteurs and that the presuppositions for the Führer's order did not apply. Blomberg told me that he was fully of my opinion and that he did not wish to take the prisoners over. Blomberg said to me "Do not think that I am afraid of the responsibility but in this case I am of your opinion. I believe the prisoners to be soldiers."

B 041429

H4055 - 0009

.....

The Witness was Cross-examined through the interpreter by Captain Irving as follows:

.....

Q. You never thought of giving him evidence but as a result of your interrogation that these men be treated as prisoners of war because you said he was such a highly placed officer.

A. After the interrogation I reported the interrogation as finding the prisoners were soldiers.

Q. To whom did you report that? A. To the Sea Commander. The report is quite clear. .....

Q. You knew there was an order that the Norwegian MTB Flotilla were not to be treated as PsOW but as saboteurs. A. Yes, I knew that.

.....

Q. In your official report you said it was quite clear that these men were soldiers. A. Yes.

.....

Q. To whom did you make your report after your interrogation.

A. I believe it was to the Sea Commander. Certainly I reported to the Staff and to Lichtenfedlt personally.

.....

Q. Was that report in writing or an oral report? A. First during the night orally. The written report later. It was directed chiefl to Oslo. The Sea Commander and the Admiral of the West Coast got a copy each. It was the usual way of doing it that they received copies. It is quite possible that I did not sign the written report because in the meantime my superior may have returned.

p. 20 .....

The Accused BLOMBERG takes his stand at the place from which the other witnesses have given their evidence, and having been duly sworn, is examined through the interpreter by Capt. IRVING as follows:-

pp. 23 & 24. .....

Q. Do you know what happened to the people who were shot after the execution? A. Yes. That they should be sunk in the sea. That had been made clear beforehand, that they should be buried in secret.

.....

Q. You have heard it stated in this court by a number of people that they came to you and said that these people who were shot were prisoners of war. A. It was not my task to make it clear whether these people were prisoners of war or not; that was the task of the Navy, according to the Order of the Führer . Only at this moment when the Navy had stated that they were not ordinary prisoners of war, then the Navy handed those people to me. It was not the common way that the Sicherheitspolizei got prisoners of war handed over to them.

B 041730

H4055 - 0010

pp 23 & 24 (cont'd) .....

Q. Did you at any time during these events, from the time you were first called into them to the time after the execution, have any doubt in your mind as to whether these men were prisoners of war or not.
A. At the moment when we got those soldiers from the Wehrmacht they could not be regarded as soldiers, whether they wore uniforms or not, as they had been handed over according to the Führer order.

.....

Cross examined by Major STEEL.

.....

Q. You have told the Court that the responsibility for handing over these seven men was the responsibility of the Navy. A. That follows out of the Führer order, because according to this order the Navy hands over only prisoners who are not prisoners of war; otherwise the SD do not get any prisoners of war.

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G. B. EXHIBIT

GB 533

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Filed July 15, 1946

G. B. EXHIBIT

No. 533

B 041722

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H4055 – 0011

H4055-0012

8 pages